

IN THE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HARVEY STEWART,)
)
)
Plaintiff,)
)
)
v.) CASE NO.: 04-11598-WGY
)
)
R. JAMES NICHOLS, SECRETARY)
U.S. DEPARTMENT OF VETERAN)
AFFAIRS,)
)
)
Defendant.)

Exhibit 3

1 IN THE MATTER OF:)
2 HARVEY STEWART,)
3)
4 Complainant,)
5)
6 vs.) Case No. 200G-
7) 0525-2002100953
8 VA BOSTON HEALTHCARE SYSTEM,)
9 BROCKTON, MASSACHUSETTS,)
10)
11 Respondent.)
12
13
14
15
16
17
18
19
20
21

ORIGINAL

10 A F F I D A V I T

11 TRANSCRIPT OF PROCEEDINGS in the
12 above-entitled matter of the examination of
13 CHESTER P. SWETT, JR., M.D., before EEO
14 INVESTIGATOR ANGELA MYERS, on the 4th of
15 December, 2002, at the hour of 9:03 a.m.

16
17
18
19
20
21
22 Reported by: Caren Benge

1 Q. You indicated that there were some
2 concerns or issues with Mr. Hallett and the
3 complainant?

4 A. Well, yeah. That's only secondhand
5 information. I don't -- I don't really know.

6 Q. So you're not aware whether or not the
7 complainant initiated EEO counseling regarding
8 those issues he was having with Mr. Hallett?

9 A. I have no knowledge of that. I don't
10 know.

11 Q. Now, questions pertaining to the
12 written counseling: The complainant was given a
13 written counseling on December 6, 2001, for
14 failure to take vital signs. What was your role
15 in the complainant receiving the written
16 counseling?

17 A. Well, I was aware that -- as I
18 understand it, the mental health assistants or
19 nursing assistants, who are usually at the GS-5
20 level, often are trained to take vital signs --
21 which is, you know, temperature, pulse,
22 respiration, blood pressure -- and that this is,